

MELINDA S. RIECHERT, State Bar No. 65504
MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306-2122
Tel: 650.843.4000
Fax: 650.843.4001
Email: mrieichert@morganlewis.com

MEGAN BARRY BOROVICKA, State Bar No. 241205
MORGAN, LEWIS & BOCKIUS LLP
One Market, Spear Street Tower
San Francisco, CA 94105-1126
Tel: 415.442.1000
Fax: 415.442.1001
Email: mborovicka@morganlewis.com

Attorneys for Defendants,
Northwestern Investment Management Company, LLC
and Northwestern Mutual Life Insurance Company

JOHN A. MCGUINN, State Bar No. 036047
CAROLYN A. LEARY, State Bar No. 226845
McGuinn, Hillsman & Palefsky
535 Pacific Avenue
San Francisco, CA 94133
Tel. 415-421-9292
Fax. 415-403-0202
Email: jamcguinn@mhpsf.com
Email: cleary@mhpsf.com

Attorneys for Plaintiff,
Laurie Gibbs Harris

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

LAURIE GIBBS HARRIS,

Plaintiff,

vs.

NORTHWESTERN INVESTMENT
MANAGEMENT COMPANY, LLC,
NORTHWESTERN MUTUAL LIFE
INSURANCE COMPANY, and DOES 1
through 20 , inclusive,

Defendants.

Case No. 10-01763 CW (LB)

**JOINT STIPULATION AND ORDER
CONTINUING DEADLINE TO FILE
PRETRIAL MATERIALS**

Trial Date: October 3, 2011

Plaintiff Laurie Gibbs Harris (“Plaintiff”) and Defendants Northwestern Investment Management Company, LLC and Northwestern Mutual Life Insurance Company (“Defendants”), the parties to the above-entitled action (collectively, the “Parties”), submit this stipulation to the Court:

STIPULATION

WHEREAS, the Court conducted a Case Management Conference and heard Defendants’ *Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment* on July 14, 2011;

WHEREAS, during the July 14, 2011 hearing, the Court encouraged the Parties to participate in private mediation;

WHEREAS, on July 25, 2011, the Court issued an *Order Granting in Part and Denying in Part Defendants’ Motion for Summary Judgment*;

WHEREAS, following the Court’s Order, the Parties gained new understanding of the narrowed issues proceeding to trial on October 3, 2011, and agreed to participate in a mediation with a private third-party neutral;

WHEREAS, accounting for the schedules of the Parties, counsel, and potential mediators, the Parties scheduled mediation for the first available date, August 23, 2011;

WHEREAS, on August 23, 2011, the Parties participated in a full day of mediation utilizing the services of private neutral third-party David Rotman of Gregorio, Haldeman, et al. in San Francisco, California, but were unable to resolve the case;

WHEREAS, the Court’s September 14, 2010 *Minute Order and Case Management Order* set trial in this matter for October 3, 2011 and a pretrial conference on September 20, 2011;

WHEREAS, the Court has not continued the trial date or the pretrial conference date, and the Parties do not believe a continuance of the trial date or pretrial conference date is necessary;

WHEREAS, pursuant to the Court’s Standing *Order for Pretrial Preparation*, the exchange of documents called for in Section 1 of the Order was to have occurred by August 23, 2011, but the parties agreed to wait until after the August 23, 2011 mediation to exchange these documents;

1 WHEREAS, pursuant to the Court's Standing *Order for Pretrial Preparation*, the Parties
 2 currently must file by September 6, 2011 a joint pretrial conference statement and other
 3 documents required by Section 3 of the Order (*i.e.*, exhibit list and objections, witness list, use of
 4 discovery responses, trial briefs, motions in limine, joint proposed voir dire and jury instructions,
 5 proposed verdict forms);

6 WHEREAS, on August 26, 2011, the Court denied, without prejudice, the Parties'
 7 stipulated request to continue the pretrial document filing deadline by one week to September 13,
 8 2011 (Docket No. 65);

9 WHEREAS, in light of the above factors, and pursuant to Civil Local Rules 6-1(b) and 6-
 10 2, the Parties have agreed to request a shorter (three day) continuance of the September 6, 2011
 11 pretrial document filing deadline;

12 THEREFORE, the Parties, through their respective counsel of record, hereby
 13 STIPULATE to request that the Court continue the current September 6, 2011 pretrial filing to
 14 September 9, 2011.

15
 16 IT IS SO STIPULATED.

17
 18 DATE: August 31, 2011

/s/ Carolyn A. Leary

19 John A. McGuinn
 Carolyn A. Leary
 20 McGuinn, Hillsman & Palefsky
 Attorneys for Plaintiff, Laurie Gibbs Harris

21
 22 DATE: August 31, 2011

/s/ Megan Barry Borovicka

23 Melinda S. Riechert
 Megan Barry Borovicka
 24 Morgan, Lewis & Bockius
 Attorneys for Defendants,
 25 Northwestern Investment Management Company,
 26 LLC and Northwestern Mutual Life Insurance
 27 Company

PURSUANT TO STIPULATION, IT IS SO ORDERED.

For the reasons described in the Parties' Joint Stipulation, the last day for the Parties for file the pretrial conference statement and other documents described in Section 3 of the Court's Standing Order for Pretrial Preparation shall be continued by two days, to September 8, 2011.

The Final Pretrial Conference remains unchanged on calendar for September 20, 2011 at 2:00 p.m. The 8-day Jury Trial beginning on October 3, 2011 at 8:30 a.m. remains on calendar as previously ordered.

DATE: 9/1/2011


The Honorable Claudia Wilken
United States District Judge

ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from the other signatory.

Dated: August 31, 2011

By: /s/ Megan Barry Borovicka
Megan Barry Borovicka